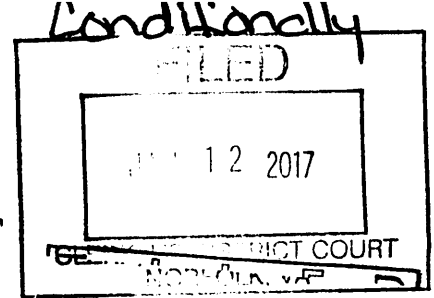


UNITED STATES DISTRICT COURT  
FOR THE  
FOURTH CIRCUIT EASTERN DISTRICT



HOWARD HALEY,

Petitioner,

v.

U S DEPARTMENT OF JUSTICE,

Respondent,

) 2:17cv21

) Case No:  
) US Dist:

\* \* \* \* \*

PETITIONER'S CLAIM FOR LOST PROPERTY  
AND ALL LITIGATION COSTS

Comes now Petitioner, Howard Haley, pro-se and unrepresented and moves this Honorable Court for an Order the United States Department of Justice reimburse the value for Loss of Property and all litigation costs resulting from when Petitioner was moved from General Population to the Special Housing Unit on April 17, 2016.

Petitioner was moved from the General Population prison yard to the facility Special Housing Unit due to a wrongful allegation and wrongful discipline action taken by Custody Officer Roberts, without basis. The Incident Report relating to the alleged action was issued without any Incident Number and immediately dismissed and expunged by the Discipline Hearing Officer.

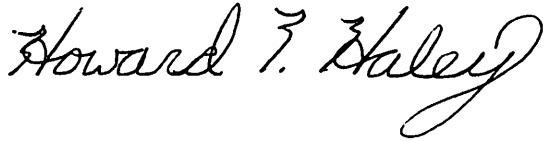
The Petitioner's Claim for Lost Property is for the amount of One Hundred Eighty Five Dollars and Fifty Cents (\$185.50) plus all court costs. A copy of Petitioner's Claim for Damage, Injury, or Death (TORT Claim), Exhibit A, the Federal Bureau of Prisons, Mid-Atlantic Regional Office, Denial of Petitioner's Administrative Tort Claim Number TRT-MXR-2016-04253, Exhibit B,

Petitioner's Federal Bureau of Prisons, Mid-Atlantic Regional Office Tort Claim Reconsideration, Exhibit C and Commissary Purchase receipt(s), Exhibit D, are included.

Please contact Petitioner if any additional information and/or documentation is needed for the court's consideration.

Respectfully submitted,

Dated: December 27, 2016

A handwritten signature in cursive script that reads "Howard T. Haley". The signature is written in dark ink and is positioned below the typed name.

Howard Haley  
Reg No 12029-007  
Federal Correctional Complex  
P O Box 1000  
Petersburg, VA 23804-1000

CERTIFICATE OF SERVICE

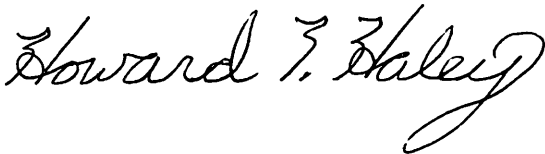
I, Howard Haley, Petitioner pro-se and unrepresented,  
certify that a true and correct copy of the enclosed Petitioner's  
Claim for Lost Property and All Litigation Costs was served by  
first class United States Postal Mail, postage prepaid, to:

Clerk of the Court  
United States District Court  
Suite 3000  
701 East Broad Street  
Richmond, VA 23219

on December 27, 2016, when deposited in the Federal Bureau of  
Prisons Legal Mail.

Respectfully Submitted,

Dated: December 27, 2016

A handwritten signature in cursive script that reads "Howard F. Haley". The signature is written in dark ink and is positioned below the "Respectfully Submitted," text.

Howard Haley  
Reg No 12029-007  
Federal Correctional Complex  
P O Box 1000  
Petersburg, VA 23804-1000

**CLAIM FOR DAMAGE,  
INJURY, OR DEATH**

**INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

FORM APPROVED  
OMB NO. 1105-0008

## 1. Submit to Appropriate Federal Agency:

Mid-Atlantic Regional Office  
Consolidated Legal Center  
302 Sentinel Drive, Suite 200  
Annapolis Junction, MD 20701

## 2. Name, address of claimant, and claimant's personal representative if any.

(See instructions on reverse). Number, Street, City, State and Zip code.  
Howard Haley, Reg No 12029-007  
Federal Correctional Complex  
P O Box 1000  
Petersburg, VA 23804

## 3. TYPE OF EMPLOYMENT

☐ MILITARY ☒ CIVILIAN

## 4. DATE OF BIRTH

## 5. MARITAL STATUS

## 6. DATE AND DAY OF ACCIDENT

4/17/2016

## 7. TIME (A.M. OR P.M.)

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). H. Haley was given an Incident Report and his property packed out when Haley was taken to the SHU. Missing property including 22 sodas \$8.00, Wire eyeglasses \$125, Bible Dictionary \$2.50 and Broken radio \$50 to total \$185.50. (One Hundred Eighty Five Dollars and 50 cents). The alleged discipline action was taken by Officer Roberts, wrongfully, without basis. Incident Report issued without number was dismissed and EXPUNGED by DHO.

## 9. PROPERTY DAMAGE

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.  
(See instructions on reverse side).

Property missing from "packed out" property listed above.

## 10. PERSONAL INJURY/WRONGFUL DEATH

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

## 11. WITNESSES

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

## 12. (See instructions on reverse).

## AMOUNT OF CLAIM (in dollars)

## 12a. PROPERTY DAMAGE

## 12b. PERSONAL INJURY

## 12c. WRONGFUL DEATH

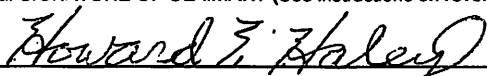
## 12d. TOTAL (Failure to specify may cause forfeiture of your rights).

\$185.50

\$185.50

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

## 13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).



## 13b. PHONE NUMBER OF PERSON SIGNING FORM

## 14. DATE OF SIGNATURE

6/4/2016

CIVIL PENALTY FOR PRESENTING  
FRAUDULENT CLAIM

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT  
CLAIM OR MAKING FALSE STATEMENTS

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)



**U.S. DEPARTMENT OF JUSTICE**  
Federal Bureau of Prisons  
Mid - Atlantic Region

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Butner Legal Center  
P.O. Box 1600  
Butner, North Carolina 27509

October 6, 2016

Howard Haley  
Reg. No. 12029-007  
FCC Petersburg  
P.O. Box 1000  
Petersburg, VA 23804

Re: Administrative Tort Claim Number TRT-MXR-2016-04253

Dear Mr. Light:

Your administrative claim received on May 4, 2016, has been considered for settlement under 31 U.S.C. § 3723. You allege government liability in the loss of your personal property. You seek the sum certain of \$185.50.

Section 3723 only provides compensation for loss of property resulting from the negligence of Bureau of Prisons employees acting within the scope of their employment. An investigation into this matter revealed that you were placed in the Special Housing Unit (SHU) on April 17, 2016. On April 18, 2016, you were given the opportunity to review an inventory of your property and you indicated on the property form that the inventory was accurate and that you received all of your property. It was also noted on the Administrative Detention Order that the securing staff member found your assigned locker unsecured at the time your property was packed. It is your responsibility to ensure your property is secured at all times. Thus, we found no evidence of negligence on the part of FCC Butner staff, and you did not provide any such evidence, to support your claim.

Therefore, in view of the above, your claim is denied. There is no judicial review for claims considered pursuant to 31 U.S.C. § 3723. However, you may request in writing, that the Bureau of Prisons reconsider your claim. Your request for reconsideration must be submitted within three months of the date of this letter. You should include additional evidence to support your request for reconsideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Mellady'.

Matthew W. Mellady  
Regional Counsel

*for*



U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons  
Mid - Atlantic Region

Butner Legal Center  
P.O. Box 1600  
Butner, North Carolina 27509

October 28, 2016

Howard Haley  
Reg. No. 12029-007  
FCC Petersburg  
P.O. Box 1000  
Petersburg, VA 23804

*Recd. 11-03-2016 PM.*  
*WCH*

Re: Administrative Tort Claim Reconsideration Received 10/21/2016  
Claim No. TRT-MXR-2016-04253

Dear Mr. Haley:

This will acknowledge receipt of your request for reconsideration of your administrative tort claim for alleged loss of personal property at FCC Petersburg.

The above-referenced claim has been accepted and will be reconsidered for administrative settlement under 31 U.S.C. § 3723. This statute provides for the settlement of claims which are small claims for private property damage or loss. We anticipate six months from the date of this letter, to review, consider, and adjudicate your claim.

If possible, for each item, please state its value, date and place of purchase. If the property was purchased in a Federal institution, submit the commissary receipt and property form. If the property was not purchased in a Federal institution, submit a copy of the receipt of purchase. If you do not have a receipt please state as such, and list the place purchased, for example: name of store, address, state, date and cost for each item alleged lost or damaged. Failure to respond within 30 days of this letter will delay the investigation of your claim. *If you have already included these items do not re-submit.*

All correspondence regarding this claim should be addressed to: Butner Legal Center, P.O. Box 1600, Butner, North Carolina 27509. When corresponding with this office regarding this claim please refer to the above claim number. If you have any questions about the status of your claim or if the circumstances surrounding this claim change in any fashion, contact this office immediately. Also, should your address change, please advise accordingly.

Sincerely,

Matthew W. Mellady  
Regional Counsel

*AW*



**U.S. DEPARTMENT OF JUSTICE**  
Federal Bureau of Prisons  
Mid - Atlantic Region

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Butner Legal Center  
P.O. Box 1600  
Butner, North Carolina 27509

November 17, 2016

Howard Haley  
Reg. No. 12029-007  
FCC Petersburg  
P.O. Box 1000  
Petersburg, VA 23804-1000

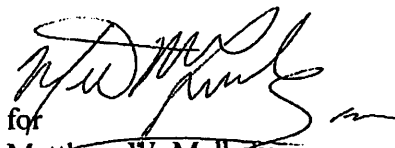
Re: Administrative Tort Claim Number TRT-MXR-2016-04253 (Reconsideration)

Dear Mr. Haley:

Your administrative claim filed on October 21, 2016, under 31 U.S.C. § 3723, has been reconsidered for administrative settlement. You allege government liability in the amount \$185.50.

We found no additional information warranting a change in our original determination. Section 3723 only provides compensation for loss of property resulting from the negligence of Bureau of Prisons employees acting within the scope of their employment. There is no evidence of negligence on the part of any Bureau of Prisons staff member. Therefore, this is the final denial of your claim.

Sincerely,

  
for  
Matthew W. Mellady  
Regional Counsel

SALES INVOICE —Personal Inmate Information —  
Petersburg - FCC

Exhibit D

MEDIUM

ACCOUNT No. 12029007

TF08519

HALEY, HOWARD E

04/12/16 Time 18:33:23

TX ID 7267697

Receipt# 80

BEGINNING BALANCES:

Available Balance is N/A

Spending Limit Balance is N/A

Account Balance is \$391.98

QTY	DESCRIPTION	PRICE
2	BATTERY AA	\$4.20
2	CANDY BAR OVERLOAD ICE CREAM	\$4.20
1	CHEDDAR & SOUR CREAM	\$1.00
3	CHERRY FRUIT PIES	\$8.55
3	CHOCOLATE CUPCAKES	\$8.55
10	CHOCOLATE PEANUT CLUSTERS	\$15.00
2	CREAMER ORIGINAL	\$4.40
1	FROSTED FLAKES	\$2.60
3	HAWAIIAN PUNCH POLAR BLAST	\$3.90
1	HAZELNUT COFFEE CREAMER	\$3.40
2	HONEY BBQ CHIPS UTZ	\$2.00
8	HONEY BUN GLAZED	\$6.40
1	MAXWELL HOUSE COFFEE	\$3.25
2	NACHO TORTILLA	\$4.60
3	NUTTY BARS	\$5.10
1	SOAP SAFEGUARD 4 PK	\$3.45
1	SODA PEPSI ✓	\$4.40
1	SODA PEPSI MAX ✓	\$4.40
1	TASTERS CHOICE	\$8.45
# ITEMS SOLD: 48		
CHARGE 12029007		\$97.85

ENDING BALANCES:

Available Balance is N/A

Spending Limit Balance is N/A

Account Balance is \$294.13

Fingerprint Verified

Signature



SALES INVOICE --S.B.U.--

COLEMAN FCC

USP2

ACCOUNT No. 12029007

COA3036

HALEY, HOWARD E

02/13/2008 Time 19:39:38

TX ID 5280467

Receipt# 104

**BEGINNING BALANCES:**

Available Balance is N/A

Spending Limit Balance is N/A

Account Balance is \$83.66

QTY	DESCRIPTION	PRICE
2	**DNO** ML BBQ CHIPS	\$2.20
1	**DNO** SIERRA MIST 4-6PK	\$1.65
1	**DNO**CREAMER	\$1.35
1	**DNO**JOLLY RANCHER - C	\$0.70
1	**DNO**PEPSI 6PK	\$1.65
1	**DNO**SUGAR TWIN	\$1.65
1	BUTTER PECAN	\$2.10
2	COFFEE, KEEFE	\$4.90
1	DUPLEX CREMES	\$0.60
1	RADIO SANGEAN DT120	\$50.05✓
1	SOUP CALIF. VEG 4	\$0.55
1	STARLIGHT MINTS- C	\$0.60
1	YOGURT TRAILMIX	\$0.80
# ITEMS SOLD: 15		
CHARGE 12029007		\$68.80

**ENDING BALANCES:**

Available Balance is N/A

Spending Limit Balance is N/A

Account Balance is \$14.86

Signature

## Controlled Items



Inmate Reg #: 12029007  
 Inmate Name: HALEY, HOWARD  
 Report Date: 11/08/2016  
 Report Time: 6:22:31 AM

Current Institution: Petersburg - FCC  
 Housing Unit: PEM-E-S  
 Living Quarters: E01-018L

<u>Date</u>	<u>Purchased Location</u>	<u>Description</u>	<u>Quantity</u>
5/10/2016	PEX	ADIDAS THRASHER	1
		Subtotal:	1
8/6/2008	COA	12 CT ADD OPEN LOOK	1
		Subtotal:	1
4/8/2008	COA	SZ 9.5 NEW BAL MX602	1
		Subtotal:	1
2/13/2008	COA	DT 120 SAN RADIO ✓	1
		Subtotal:	1
8/6/2007	COA	20638 FOOT INSOLE	1
		Subtotal:	1
3/27/2007	COA	20638 FOOT INSOLE	1
		Subtotal:	1
4/18/2006	COA	51281 CL2 HEADPHONE	1
		CL20 CLR HDPHNE	-1
		CL20 CLR HDPHNE	1
		Subtotal:	1
1/31/2006	ATL	NIKE AIR FLIGHT MIDS	1
		Subtotal:	1
1/3/2006	ATL	NEW BALANCE CM270BW	1
		Subtotal:	1
5/3/2005	ATL	SONY SRFM39F RADIO	1
		Subtotal:	1
		Grand Total:	10

Bureau of Prisons  
Health Services  
Devices and Equipment

<b>Start Date:</b> 10/08/2008		<b>Stop Date:</b> 11/08/2016			
<b>Reg #:</b> 12029-007		<b>Inmate Name:</b> HALEY, HOWARD E			
<u>Device/Equipment</u>	<u>Start Date</u>	<u>Stop Date</u>	<u>Date Returned</u>	<u>Obtained From</u>	<u>Comments</u>
Shoe inserts					
06/24/2015 09:05 EST Yirga, Andarge D. MLP	06/24/2015			BOP	Pair of Gel insole issued
Eye Glasses					
04/06/2012 08:55 EST Oliver, Linda HIT	04/06/2012			BOP	
Eye Glasses					
10/04/2011 09:26 EST Sexauer, Henry MLP	06/18/2009			Personal	
06/18/2009 17:32 EST Camp, Ralph EMT-P	06/18/2009			Personal	
<b>Total:</b> 3					